

U.S. Patent Appl. Ser. No. 10/717,533
Amendment Dated 10/27/2004
Reply to Office action of July 27, 2004

REMARKS

Claims 1-22 remain pending in the above-identified application. Claims 15-18 have been allowed. Claims 1-14 and 19-25 have been rejected. Claims 22-25 have been cancelled.

Claims 22-25 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 16-19 of co-pending application serial number 10/270,326. Applicants have cancelled claims 22-25 without prejudice or disclaimer to the subject matter recited therein and solely for the purpose of furthering the prosecution of this application. Applicants further state that the cancellation of claims 22-25 is not made for any reason related to the statutory requirements for a patent, and that claims 22-25 will be pursued in co-pending application serial number 10/270,326.

Claims 1-7 stand rejected under 35 U.S.C. § 102 as being anticipated by Bourgeois. Applicants respectfully traverse this rejection.

Claim 1, from which claims 2-7 depend, recites a probe for detecting abnormalities in an electrical device having an effective wedge depression of no more than 200 mils. The probe includes, among other features, a "contact-free relationship **between and at least partially above opposed adjacent surfaces** of portions of the electrical device" (emphasis added).

Bourgeois relates to an apparatus for evaluating a condition of a magnetic circuit of an electric machine. The Bourgeois apparatus has a probe 8 that is positioned in a contact-free relationship with a surface 86 of the electrical device 2. However, the contact-free relationship is not "between and at least partially above opposed adjacent surfaces" as recited in claim 1. Instead, the probe 8 ends 17, 19 are separated from a single surface 86; hence, the contact-free relationship cannot be "between and at least partially above opposed adjacent surfaces". Accordingly, Applicants respectfully submit that the independent claim 1 and claims 2-7 are patentably distinguishable over Bourgeois for at least the reason cited above.

Claims 8-14 and claims 19-25 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bourgeois in view of Dailey. Claims 22-25 have been canceled, thus

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rendering this rejection moot as to those claims. Applicants respectfully traverse this rejection as it applies to the currently pending claims 8-14 and 19-21.

Claim 8 recites a sensing apparatus for detecting abnormalities in an electrical device having an effective wedge depression of no more than 200 mils. The sensing apparatus of claim 8 includes "a probe" that is "in a contact-free, spaced relationship between and at least partially above opposed surfaces of the electrical device". Claims 9-14 depend from claim 8. Claim 19 recites a system for detecting abnormalities in an electrical device having an effective wedge depression of no more than 200 mils. The system includes "a probe" that is "in a contact-free, spaced relationship between and at least partially above predetermined opposed surfaces of the electrical device". Claims 20 and 21 depend from claim 19.

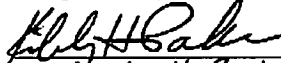
As discussed previously, Bourgeois fails to teach or suggest a probe capable of detecting abnormalities in an electrical device in a spaced, contact-free relationship between and at least partially above opposed adjacent surfaces of portions of the electrical device, as recited in claims 8 and 19. Dailey is relied upon in the Office action for teaching a probe support carriage for moving the probe. Dailey provides no relevant teaching or suggestion of a probe in a spaced, contact-free relationship between and at least partially above opposed adjacent surfaces of portions of the electrical device.

Accordingly, claims 8-14 and 19-21 are believed to be allowable over the cited art for at least the reasons cited above.

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In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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